

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

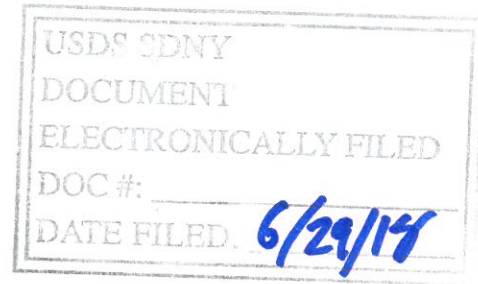
CHRISTINA ALEXANDER, et al.,

Plaintiffs,

-v-

ALEX M. AZAR, II, SECRETARY OF
HEALTH AND HUMAN SERVICES,

Defendant.



No. 18-mc-264 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:


On June 18, 2018, third party Holy Name Medical Center (“HNMC”) filed a motion to quash a subpoena issued by Defendant in connection with a civil case pending in the United States District Court for the District of Connecticut, *Christina Alexander, et al. v. Alex M. Azar II, Secretary of Health and Human Services*, D. Conn. Case No. 11-cv-1703 (MPS). On June 25, 2018, the case was assigned to my docket. On the same day, Defendant filed a letter seeking a pre-motion conference regarding its planned motion to transfer this action to the District of Connecticut. (Doc. No. 10.) On June 28, 2018, HNMC filed a letter indicating that it “consents to the transfer of its motion to quash to the District of Connecticut.” (Doc. No. 15.)

Because Defendant’s subpoena to HNMC requires HNMC to appear to provide testimony at the U.S. Attorney’s Office in Manhattan (Doc. No. 6 Ex. B), HNMC’s motion to quash was properly brought in this Court, Fed. R. Civ. P. 45(d)(3)(A). However, “[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion [to quash] to the issuing court if the person subject to the subpoena consents” Fed. R. Civ. P. 45(f). Here, the United States District Court for the District of Connecticut issued the challenged subpoena (Doc. No. 6 Ex. B), and Defendant consents to the transfer of this action to that court (Doc. No. 15), where the underlying

lawsuit has been pending since 2011. Accordingly, IT IS HEREBY ORDERED that Defendant's motion to transfer this case to the District of Connecticut is DEEMED MADE and GRANTED. The Clerk of Court is respectfully directed to transfer this case to the United States District Court for the District of Connecticut.

SO ORDERED.

Dated: June 28, 2018
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE